



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/995,634	11/29/2001	Benjamin V. Smith	20009.0025US01	1657

7590 05/17/2006

WITHERS & KEYS, LLC  
PO BOX 71355  
MARIETTA, GA 30007-1355

EXAMINER
----------

LE, KAREN L

ART UNIT	PAPER NUMBER
----------	--------------

2614

DATE MAILED: 05/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/995,634

Applicant(s)

SMITH, BENJAMIN V.

Examiner

Karen L. Le

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 31-33 and 36-41 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 31-33 and 36-41 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 31-33 and 36-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Masek (U. S. 5,272,749) in view of Riskin (U.S. 4,757,267) and further in view of Greenberg et al. (US 2001/0038624).

Regarding claims 31, 33, 36 and 39-41 Masek teaches a method for providing subscription code services in a geographical area (col. 3, lines 44-47), the method comprising:

Allocating a plurality of subscription codes (Col. 2, lines 32-40, ex. 511-CAR CITY, Col. 12, lines 3-9, ex. AEX#) for the services; provisioning a trigger at each of at least one switch within the geographical area, wherein the trigger is adapted to detect calls initiated by one or more callers using one of the subscription codes (Col. 3. lines 65-68 and col. 4, lines 1-4); querying a controller for call routing instructions when a call initiated by a caller using a subscription code is detected at a switch (Col. 4, lines 8-9);

Art Unit: 2614

wherein the telephone number is substantially permanently assigned to the subscription code (Col. 15, lines 22-25), and terminating the call using the retrieved the telephone number (col. 3, lines 35-55. Presenting to the caller a list of subscribers associated with the subscription code, receiving one telephone number corresponding to a subscriber that has been chosen by the caller from the list (Col. 19, lines 64 – Col. 20, lines 70).

Masek does not teaches determining an originating region from which the call was initiated; retrieving a telephone number from a table containing associations of the subscription code to multiple telephone numbers corresponding to different originating regions based at least in part on the subscription code, the time of day when the call was initiated such that the telephone number retrieved is different at the time of day than it is at a second time of day, and the originating region determined for the call. However, Riskin teaches determining an originating region from which the call was initiated; retrieving a telephone number from a table containing associations of the subscription code to multiple telephone numbers corresponding to different originating regions based at least in part on the subscription code and the originating region determined for the call (Abstract, lines 1-10). Riskin teaches a comparison is performed between the telephone number of the potential customer and the data in the file to find 1-3 selected dealers nearby to the potential customer. The system then automatically dials the telephone number of the closest dealer thereby routing the potential customer directly to a nearby dealer who can provide the products to that customer. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate Riskin's feature to Masek's system in order to retrieve a telephone

Art Unit: 2614

number from a table containing associations of the subscription code to multiple telephone numbers ( Riskin provides up to 3 selected dealer nearby to the potential customer) corresponding to different originating regions based at least in part on the subscription code. Identifying the originating region of the caller and provide telephone numbers of local subscribers are old and popular in telecommunication field. Riskin is the second reference and it does not have to be bodily incorporate in the primary reference.

Masek does not teach the telephone number retrieved is different at the time of day than it is at a second time of day. However, Greenberg teaches the telephone number retrieved is different at the time of day than it is at a second time of day (see paragraph 0066, page 8). Greenberg teaches a consumer calls at 7PM and the merchant's east coast call center is closed but the west coast is still open, a telephone number for the west coast call center will be selected instead of a telephone number for the east coast call center. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate Greenberg's feature into Masek feature to retrieved different telephone at different time of day. Retrieve different telephone number at different time of day is very popular in telecommunication system.

Regarding claim 32, Masek further teaches wherein the originating region is determined based on one or more of an NPA-NXX designation, an originating point code, and a zip code associated with the caller (Col. 2,lines 1-6).

Art Unit: 2614

Regarding claim 37-38, Masek does not teaches the presenting step involves a prerecorded announcement. The presenting and receiving steps are performed by one or both of a service node and the switch. However, prerecorded announcement, service node and switch are well known in telecommunication system.

### **Response to Arguments**

3. Applicant's arguments with respect to claim 31-33 and 36-41 have been considered but are moot in view of the new ground(s) of rejection.

### **Conclusion**

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karen L. Le whose telephone number is 571-272-7487. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wing F. Chan can be reached on 571-272-7493. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you

Application/Control Number: 09/995,634

Page 6

Art Unit: 2614

have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Wing Chan", written in a cursive style.

**WING CHAN  
SENIOR PRIMARY EXAMINER  
TECHNOLOGY CENTER 2000**

Karen Ie  
KLL

May 12, 2006